

## **CITY OF BELMONT**

### **PLANNING COMMISSION**

#### **SUMMARY MINUTES**

**TUESDAY, JUNE 16, 2009, 7:00 PM**

Chair Horton called the meeting to order at 7:05 p.m. at One Twin Pines Lane, City Hall Council Chambers.

#### **1. ROLL CALL**

Commissioners Present: Horton, Mayer, Parsons, Frautschi, Mercer, Reed

Commissioners Absent: Mathewson

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Associate Planner Walker (AP), Assistant Planner Gill (AP), Deputy City Attorney Kane (DCA), Recording Secretary Flores (RS)

#### **2. AGENDA AMENDMENTS - None**

#### **3. COMMUNITY FORUM (Public Comments) - None**

#### **4. CONSENT CALENDAR**

##### **4A. Minutes of May 19, 2009**

MOTION: By Commissioner Frautschi, seconded by Commissioner Parson, to approve the Minutes of May 19, 2009 as presented.

Ayes: Frautschi, Parsons, Mercer, Mayer Horton

Noes: None

Abstain: Reed

Absent: Mathewson

#### **5. OLD BUSINESS**

##### **5A. Review of Landscape Plan – 1400 and 1404 El Camino Real**

CDD de Melo summarized the staff memorandum, recommending approval of the Landscape Plan as presented.

Commissioner Mercer commented that the plants that are already in place are less than half the size of the scale shown on the Landscape Plan illustration. She did not want to imply that what is there now is acceptable. CDD de Melo responded that if the approved plans indicate a certain size that is what the project will be held to.

Commissioner Parsons asked if the gates meet handicap exit requirements. CDD de Melo replied that any gate to be installed there will have to be cross-checked with the code, and that a condition has been added that any gate to be installed will not be in conflict with the code.

Commissioner Mercer asked if the patio is being used at this point. CDD de Melo responded that they have the right to use the patio but have chosen not to do so until they are done in terms of approvals. He could not find a condition that prohibits use of the patio prior to landscape approval.

Chair Horton mentioned that, assuming two exits from the patio will be required because of the occupancy load, the El Camino Real door will have to be recessed back so that it does not swing out onto the sidewalk, and will need a long ramp due to a grade difference between the sidewalk and the patio. She suggested that the Building Official should visit the site sooner rather than later because the discussion regarding a Landscape Plan may not be necessary if they find that they cannot get in or out of this space by code. CDD de Melo read from the building code that if the occupancy load does not exceed 49, only one means of egress would be required, which must be accessible by persons of disabilities. He suggested that there may be an opportunity to place that one means of egress completely off the patio to the rear at the alley because that will then exit to a public right-of-way, which could mean that the front fence would not need to be modified. The question of limiting the number of people to 49 would have to be addressed. Responding to Commissioner Parsons' question, CDD de Melo stated that he believes the patio is handicap accessible from the restaurant. Chair Horton reiterated that the Building Official should have a conversation with the applicant soon to assure that she is willing to comply with the building code regarding the disability issues, which are totally separate from the landscape issues.

Chair Horton determined that the applicant was not available to make a presentation and that there was nobody from the public who wished to speak on this issue.

Commissioner Reed commented that, due to the bad economy in the fourth quarter of last year, the Commission had given the applicant time to prepare a reasonable landscape plan and gave her access to the patio, which she has not taken advantage of. He felt that the landscape plan as submitted was sub-par, the door swings the wrong way, and he did not know how large the planter boxes are. He therefore could not determine if it is near the required coverage.

Commissioner Frautschi referred back to documents for three previous meetings and issues that have not been dealt with: 1) Possible drainage and noise problems with the hardscape, and 2) Concerns about the fence. He read the following from a City document that "Landscaping within the general commercial district shall enhance the pedestrian orientation of the downtown. Planted areas and street trees shall be located adjacent to or within the pedestrian walkway and corridors. A range of between 10 and 15% of the gross site area shall be planted and landscaped. The 15% landscaping requirement should be encouraged." The landscape plan as presented lacks a scale so that it is very difficult to determine what percentage they are looking at. He pointed out that in the last 8 years the Commission, Council or staff had never been given a Landscape Plan that had no plants in the ground. He felt that this plan in no way ties in to the actual restaurant and that there are at least 20 different things that the applicant was asked to consider that had not been considered. When asked by the Vice Chair at the time how the City could have one rule for all and a different rule for the applicant, she responded that she did not understand why three parcels, hers being one of them, were included as part of the Downtown Plan and said she would not do it. The Commission gave her time to comply and they got back the same thing they have been looking at for two years with more squares drawn on it and no key. He felt the Commission had bent over backwards to try to make it work. He would vote to deny the project.

Commissioner Parsons concurred with all that Commissioner Frautschi said, and added that the applicant did not take advantage of the offer from the City to get involved with the façade improvement program that would have covered most of the cost of her project. He wanted to make it clear for the record that when they were discussing putting stuff in pots it was never his intention to say they didn't need to put 10 or 15% in the ground in front of the property. He used Salizar as the kind of restaurant landscaping they want to see. He felt that the applicant had not cooperated with the City at all. The fence needs to be pushed back, and he thought it was the general consensus at the last meeting that what they wanted was to see in-ground landscaping between the sidewalk and fence. He thought the little square pots on the plan were only 12" and the plants have been dying. He did not believe she intends to do anything. He would vote against the plan and the applicant would not be operating a restaurant outside with any outdoor dining. He wants to see the regulation 10 to 15% landscaping along the sidewalk.

Vice Chair Mayer stated that he was not on the Commission when this first came before the Commission, but when he saw it the first time, which was just after they had been talking about the Grand Boulevard and Downtown Specific Plan, he was surprised at what had been approved. He recalled that at the last meeting there was a sense that, due to the economy and to allow this business to develop and grow, she was told she did not have to fulfill the 10 to 15% landscaping plan in-ground but could use pots. She absolutely refused to move the fence back and to do any in the ground digging within the patio area. He agreed that it is not right to have one set of standards in one case and another for her, and felt that a substandard project

had already been approved.

Chair Horton commented that she had visited the site and found that much of what is on this plan is currently in the courtyard, but the plants on the back side of the fence are actually hanging rather than sitting on the ground. She said there are no Palm trees but 3 other trees in pots that are far too small - one of them looks like its dying and another one has fallen over because it does not have enough ballast on the bottom.

MOTION: By Commissioner Mercer, seconded by Vice Chair Mayer, to continue this application to allow the applicant to:

- 1) Obtain a City inspection with respect to the gate access in the courtyard.
- 2) Present a Landscape Plan that provides 15% landscape and includes the size of all plants. The Landscape Plan needs to:
  - (a) Include landscape coverage along the full length of the fence, not just interspersed.
  - (b) Address both walls of the courtyard – north- and south-facing – again in concurrence with the 15% landscaping.
  - (c) Identify all items with a legend or be directly labeled.
  - (d) Pots are acceptable but they have to be lush 15%.
  - (e) The whole area needs to be charted out, and landscaping needs to comprise 15%.
  - (f) The Commission needs to see the size of the trees and the plants that are implied; a 12" tall Palm from the home store interior décor department is not acceptable – it must be a good 6' minimum tall tree.

Commissioner Mercer clarified for CDD de Melo that her motion was meant to include only the approximately 25' x 55' patio usable seating area and the entire frontage of the fence facing the street.

Ayes: Mercer, Mayer, Reed, Horton  
Noes: Frautschi, Parsons  
Absent: Mathewson

Motion passed 4/2/1

Chair Horton commented for the record that this will be the fourth time that this has come to Public Hearing, and she was not sure that the next time people will be so generous.

## 6. PUBLIC HEARING

### 6A. PUBLIC HEARING – 2320 Hasting Drive

To consider a Conditional Use Permit to amend the Carlmont Woods No. 2 Detailed Development Plan (DDP) by constructing/adding a 108-square-foot addition to the existing 2,610-square-foot single-family residence for a total of 2,718 square feet.

(Appl. No. 2009-0018)

APN: 045-482-130; Zoned: PD – Planned Development

CEQA Status: Categorical Exemption per Section 15303

Applicant: Jessica Resnini

Owner(s): Shane Rogers & Ava Hristova

Project Planner: Rob Gill: 650-598-4204

AP Gill summarized the Staff Report, recommending approval of the Conditional Use Permit with the conditions attached.

There were no questions for the applicant from the Commission.

Chair Horton opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Frautschi, seconded by Commissioner Parsons, to close the Public Hearing. Motion carried 6/0/1 by a show of hands, with Commissioner Mathewson being absent.

Commissioner Frautschi commented that he thought this project was a good addition in that it will help the applicants take greater advantage of exterior space and use it in the interior, and because they will no longer have to maintain an expensive deck. He also thanked the applicants for their thorough community/neighborhood outreach, which explained why it was an easy project for the Commission to process.

Chair Horton said that it made perfect sense to her and was sure the applicant would enjoy the space a lot more inside.

MOTION: By Commissioner Reed, seconded by Vice Chair Mayer, to adopt a Resolution approving a Conditional Use Permit to Amend an Approved Detailed Development Plan for 2320 Hastings Drive (Appl. No. 2009-0018)

Ayes: Reed, Mayer, Mercer, Frautschi, Parsons, Horton

Noes: None

Absent: Mathewson

Motion passed 6/0/1

Chair Horton stated that this action may be appealed within 10 calendar days.

## 7. STUDY SESSION

### 7A. Review of the Draft 2007-2014 Housing Element Update

An overview of the Draft Housing Element was provided by Leslie Gould, Principal Consultant with Dyett & Bhatia. It was noted by Ms. Gould that this was the "first" draft of the Housing Element and that the recommended changes received from the Planning Commission would be incorporated into the document, then forwarded to City Council. Discussion on substance changes ensued with The Commission, Consultant & Staff. Additional editing comments were to be submitted in writing.

## 8. REPORTS, STUDIES AND UPDATES:

### 8H. Parking Study – Downtown Village Areas

SP DiDonato briefly summarized the staff memorandum, which was an Informational Report reviewing existing conditions for public parking within the downtown area.

Commissioner Mercer commented that the report was "fabulous" and that it included a great data that the Commission has been asking for a long time and will be used when evaluating projects. She questioned inclusion of parking spaces on 6th Avenue, since, with the exception of Belli Deli, it is a wholly residential street. SP DiDonato explained that staff had not evaluated what was included in the Downtown Specific Plan (DTSP) but had adhered to the lines drawn in that plan. CDD de Melo added that otherwise they could continue to take the parking count all the way down to the San Carlos border, but it was logical to use the current land use limitations area described within the DTSP.

Commissioner Parsons commented that they should look at what has actually been committed through Conditional Use Permits in the downtown area in terms of off-site parking to see what the percentage rate is. Commissioner Frautschi suggested that perhaps an intern could review the Conditional Use Permit (CUP) files for approved parking spots for businesses.

Commissioner Mercer explained an analysis that she had done that showed that there are areas of town that have a high parking availability. She also thought it would be beneficial to play "what if" certain blocks were developed with x number of housing units to determine what would be feasible, how many cars they would generate, and then see what is left over and would need to be undergrounded or top-floored, etc.

CDD de Melo commended SP DiDonato for the amount of effort he put into this comprehensive survey.

CDD de Melo reported as follows on the remaining items:

8A. Motel 6 – 1101 Shoreway Road  
No update at this time.

8B. NDNU (Koret) Athletic Field  
The City is moving towards bringing the Conditional Use Permit (CUP) back to the Commission to start to discuss a matrix format for the CUP on the appropriateness for operations. He expects to bring it before the Commission on July 21st.

8C. Charles Armstrong School – 1405 Solana Drive  
A neighborhood meeting was held on Wednesday, June 3rd, where they discussed McDougal Park and site planning and potential future expansion of the school. They agreed that a next logical step would be a site visit so that folks can see the configuration of the park as well as the configuration of the school and then move towards some next steps on site planning. The group is committed to meeting and open dialogue and trying to problem-solve solutions to the field use issue.

8D. Ralston/US-101 Landscape Project  
No update at this time.

8E. San Mateo Development – North Road/43rd Avenue  
He spoke to one of the property owners, who will be submitting a Variance application to the City of San Mateo the following Friday. It will request a modification to the project to have only one driveway and a modified parking arrangement so they could park in tandem. The packet also includes some improved landscaping details. Commissioner Parsons suggested that the packet should also be given to the Belmont Commission for review.

8F. 900 Sixth Avenue – Belmont Vista Facility  
No update at this time.

8G. Caltrain Landscape Area  
No update at this time.

8I. High-Speed Train (HST) Project – San Francisco to San Jose  
No update at this time.

8J. 900 South Road – Single-Family Dwelling  
This item will be placed on the agenda for the next meeting so that he can spend more time on it.

8K. Graffiti Removal – Old County Road  
No update at this time.

#### Other Items

Commissioner Frautschi asked staff to remind the City Attorney that he planned to give an update on Chuck's Donuts.

#### 9. CITY COUNCIL MEETING OF TUESDAY, JUNE 23, 2009

Liaison: Commissioner Frautschi

Alternate Liaison: Chair Horton

#### 8. ADJOURNMENT:

The meeting was adjourned at 10:00 p.m. to a Regular Planning Commission Meeting on Tuesday, July 7, 2009 at 7:00 p.m. in Belmont City Hall.

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Carlos de Melo  
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the  
Community Development Department.  
Please call (650) 595-7417 to schedule an appointment.